

*Original - 10*

**OGC HAS REVIEWED.**

LS 6-0327a

15 May 1956

MEMORANDUM FOR: 25X1A [REDACTED] Chief, WE/Admin

SUBJECT : Request for Legal Decision Regarding Educational Allowances

25X1A1. Your memorandum of 26 April notes that Section [REDACTED] of the Standardized Regulations requires that a child reach the age of five years and eight months in order to be eligible for educational allowances. You inquired whether an allowance may be granted for the semester beginning January 1956 and for the subsequent semester of the school year, in the case of a child who becomes five years and eight months of age in December 1955.

25X1A 2 It is our opinion that the allowance for the January and subsequent semesters may be approved. We would think the general tenor of the regulation (Sections [REDACTED] would include in the whole of the allowances authorized, portions thereof. Specific provisions, we think, support this view. [REDACTED] of the Standardized Regulations prescribes the formula for determining the amount of grant, including those where "the grant will not cover an entire school year." This clear indication that some grants may be made for less than a complete school year in no way excludes situations where the lesser period is caused by the failure to meet the age requirement earlier in the year. Similarly, the provision in [REDACTED] that application shall be made for one school year or "fraction thereof" does not exclude fractions caused by failure to meet age requirements.

25X1A

3. We have discussed this problem with a number of the Legal Advisor's Office of the Department of State and he has indicated his general agreement with our conclusion.

25X1A

  
Assistant General Counsel

OGC/RHL:jcf

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